

DCI/IC 75-2621
18 September 1975

MEMORANDUM FOR: Associate General Counsel

SUBJECT : CIA Group on NSSM 229

1. I believe that the opportunity should be taken to introduce the concept of a separate category of "Foreign Intelligence Information" in the totality of national security information and to prescribe specific requirements on its access, dissemination and protection including compartmentation.

2. This proposal is made in recognition of the fact that there is some intelligence information which is not classified national security information under the provisions of the Executive Order (e.g., an American source providing foreign information or assistance). Also, the potential risks attendant with the compromise of a foreign intelligence source or method differ substantially from the risks attendant with much classified defense information. This was made a strong point in the DCI's 28 July 1975 letter to Chairman Pike of the House Select Committee on Intelligence and bears merit in consideration of the tasks before the NSSM 229 Group.

3. To accomplish this proposal of separately identifying Foreign Intelligence Information, it is suggested that we:

(a) Introduce this term by changing the first sentence of paragraph 2 of the Executive Order to read:

"Within the Federal Government there is some official information including Foreign Intelligence Information which..."

(b) Change the first sentence of paragraph 3 to read:

"This official information or material, referred to as classified information or material and Foreign Intelligence Information in this order..."

(c) Change Section 1, first sentence to read:

"... (herein after collectively termed "national security") and Foreign Intelligence Information shall be classified..."

(d) Change the definition of TOP SECRET to include:

"... sensitive intelligence operations and sensitive sources and methods of Foreign Intelligence Information..."

(e) Change the definition of SECRET to include:

"... intelligence operations including sources and methods of Foreign Intelligence Information..."

(f) Add to exemptions from the General Declassification Schedule, 5B(2), the words:

"... sources and methods or material identified as Foreign Intelligence Information..."

(g) Change Section 6, first sentence, to include:

"... Classified Information and Material and Foreign Intelligence Information."

and second sentence to include:

"... protect classified information and Foreign Intelligence Information from loss or compromise."

(h) Include a new subsection to Section 8 to read:

"b. Foreign Intelligence Information, the Director of Central Intelligence in order to discharge his responsibility as set forth in the National Security Act of 1947 as amended, Section 102(d)(3) for protecting intelligence sources and methods from unauthorized disclosure shall have the authority to impose, in conformity with the provision of this order, special requirements with respect to access, distribution and protection of Foreign Intelligence Information and material and foreign intelligence sources and methods."

4. In order to define Foreign Intelligence Information, and in order to specify the form of special requirements for protection of Foreign Intelligence Information, it is proposed that a separate appendix (Appendix C) be prepared for the accompanying NSC Directive. This directive would limit its address to means of protecting Foreign Intelligence Information.



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Security Committee

Attachment